

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
9535 E. DOUBLETREE RANCH ROAD, SUITE 100, SCOTTSDALE, AZ 85258
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV

COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: July 10, 2017 Case Number: 18-03

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. John McWhirter
Premise Name: Casa Grande Animal Hospital
Premise Address: 1645 N. Pinal Ave.
City: Casa Grande State: Arizona Zip Code: 85122
Telephone: (520)836-5979

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Isela Godriaez
Address: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

RECEIVED
JUL 10 2017
BY:

C. PATIENT INFORMATION (1):

Name: Oreo Laurine
Breed/Species: Shih Tzu/Maltese
Age: 3 1/2 years old Sex: male Color: white/Brown

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

John McWhirter, DVM

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Margarita Laurine [REDACTED]
[REDACTED]

Michael Laurine [REDACTED]
[REDACTED]

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Isela Rodriguez

Date: 07-06-17

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

When we were at the Doctor's office I talked to Dr John Mcwhirter, DVM, I explain to him the symptoms that Oreo had and that I was concerned the Doctor said maybe he just heard a muscle or something don't worry he is fine I am going to prescribed pain medication for Oreo. The symptoms were vomiting drooling and a slimy diarrhea with a weird color of poop, I mention to the doctor that I was worry. he said not to worry And now are family dog is not with us anymore, we are so devastated with the lost of our beloved Oreo all because he was MISDIAGNOSE.

CASA GRANDE ANIMAL HOSPITAL™

August 1, 2017

To: Arizona State Veterinary Medical Examining Board
9535 E. Doubletree Ranch Road, Suite #100
Scottsdale, AZ 85258

RE: Complaint Investigation Case #19-03

Dear Members,

Examining the record of "Oreo" Laurine, the pet in question, there is no record examination entry by me or any record phone conversation by me. According to the records at Casa Grande Animal Hospital pertaining to "Oreo", I have never seen this patient.

Entry on 12/4/16 indicates owner did bring pet in for heartworm test, results being negative. As a result of the test I authorized heartworm prevention to be dispensed since last exam was done on 3/21/16, within the year.

Sincerely,

A handwritten signature in black ink, appearing to read "J.D. McWhirter". The signature is fluid and cursive, with a large loop for the "M" and a stylized "W".

John D. McWhirter, DVM

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Robert Kritsberg, D.V.M. - Chair
Donald Noah, D.V.M. - **Absent**
Adam Almaraz
Amrit Rai, D.V.M.
Tamara Murphy

STAFF PRESENT: Tracy Riendeau, CVT, Investigations
Sunita Krishna, Assistant Attorney General

RE: Case: 18-03
Complainant(s): Isela Rodriguez
Respondent(s): John McWhirter, DVM (License: 3090)

SUMMARY:

Complaint Received at Board Office: 7/10/17
Committee Discussion: 9/12/17
Board IIR: 10/18/17

APPLICABLE STATUTES AND RULES:

Laws as Amended July 2014
(Salmon); Rules as Revised September
2013 (Yellow)

On May 20, 2017, "Oreo," a 3.5-year-old male Shih-Tzu mix was presented to Respondent's associate for evaluation. Complainant reported the dog was painful; he was examined and a slipped disc was suspected therefore pain medication was dispensed.

The dog did not improve, radiographs were performed and referral to a neurologist was recommended, but declined. No significant findings were revealed on blood work.

On June 2, 2017, the dog began to seize and Complainant elected to humanely euthanize the dog. Necropsy revealed the dog had granulomatous meningoencephalitis.

Complainant contends Respondent was negligent in the care of the dog.

Respondent did not examine the dog or speak with Complainant regarding the dog's condition.

Complainant was noticed and did not appear.
Respondent was noticed and did not appear.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Isela Rodriguez*
- Respondent(s) narrative/medical record: *John McWhirter, DVM*

PROPOSED 'FINDINGS of FACT':

1. Respondent did not exam the dog or speak to Complainant regarding the dog's condition.
2. On May 19, 2017, the dog was presented to Dr. Metcalf, Respondent's associate, due to pain, constipation and trouble going up and down stairs. The dog was examined and Dr. Metcalf noted a medial deviation to the left patella and offered radiographs. Complainant requested pain medication therefore the dog was discharged with metacam liquid, 12 pound dose orally every 24 hours.
3. The following day, the dog was presented to Respondent's other associate, Dr. Gamez, as there was no improvement from the previous day. Dr. Gamez noted the dog was active and jumping on Complainant in the exam room. Upon exam, the dog had a weight = 12 pounds, a temperature = 102.2 degrees, a heart rate = 140bpm and a respiration rate = 60bpm. After exam, Dr. Gamez suspected possible slipped disc, muscle spasm in the back, neck, etc. Complainant reported having difficulty administering the liquid metacam therefore they switched to Rimadyl chewables as well as tramadol. Radiographs were recommended if the dog did not improve.
4. On May 21, 2017, the dog was presented to Dr. Gamez with concerns of trouble breathing and not eating or drinking. Complainant also reported that she was having difficulty medicating the dog. Upon exam, the dog had a weight = 12 pounds, a temperature = 100.5 degrees, heart rate = 138bpm and a respiration rate = 54rpm. Radiographs were performed and did not show any significant lesions, except for possible mild decrease disc space in the mid thoracic vertebrae. Dr. Gamez stated that she recommended blood work which was declined at that time. It occurred to Dr. Gamez that the dog may still be painful due to the inability of Complainant to medicate the dog therefore an injection of Rimadyl was administered to the dog. Rimadyl injection 0.02mLs – no concentration or route of administration noted.
5. On May 31, 2017, the pet owner picked up a/d food due to the dog still not wanting to eat. He requested Dr. Gamez call to discuss possible anxiety and medication refills.
6. On June 1, 2017, Complainant called to report that the dog had vomited, was drooling, and urinated on himself. Furthermore the dog had not had a bowel movement and was whining in pain; an appointment was made for the dog to be seen.
7. Complainant's husband brought the dog in for exam. Upon exam, the dog had a weight = 10.7 pounds, a temperature = 100.2 degrees, a heart rate = 120bpm and a respiration rate = 36rpm. Dr. Gamez noted that the dog was ambulatory but unwilling to walk; he had a mild head tilt, cervical range of motion was normal and the dog would quietly growl with spine/neck palpation. Dr. Gamez was still suspicious for IVDD. Blood work was recommended and

approved. Referral to a neurologist was also recommended for an MRI or CT scan. Dr. Gamez also recommended trying steroid with an anti-acid and opioid and possibly keeping the dog for the day.

8. Blood work was performed and nothing significant was found. The dog was left at the premises for observation and medication administration of the following:

- a. Cerenia 0.5mLs – 5mg SQ;
- b. Famotadine 0.5mLs – 5mg SQ;
- c. Hydromorphone 0.4mLs – 0.8mg IM; and
- d. Dex Na Phos 0.6mLs – 2.4mg IM.

9. The dog remained at the hospital for monitoring. He was reluctant to walk or stand but was resting comfortably after hydromorphone. The dog was discharged later that day with instructions to discontinue the Rimadyl and return the following day for a Depo-Medrol injection.

10. On June 2, 2017, Complainant called to report that the dog did well during the night and was walking better. She wanted to come in later that day to get the Depo-Medrol injection.

11. Later that day, the dog presented on emergency. He was lateral recumbent and trembling which progressed to full seizures. Mucous membranes were pink, normal breathing with increased bronchovesicular noise. No vitals were noted (weight, temperature, heart rate or respiration rate). An IV catheter was placed, fluids were started (type unknown) and diazepam (5mg/mL) was administered and again 10 minutes later for continuing seizures – amount unknown.

12. Dr. Gamez discussed the dog's condition with Complainant explaining the prognosis was poor. She advised that the differentials included meningitis – steroid responsive/idiopathic – or some other spinal injury. The diagnosis could be made via spinal tap, MRI or CT scan and referral to a neurologist was recommended if the dog could be stabilized. After discussion, Complainant elected to humanely euthanize the dog and have a necropsy performed.

13. The necropsy report revealed granulomatous meningoencephalitis.

COMMITTEE DISCUSSION:

The Committee discussed that Respondent did not see the dog or speak to the pet owners.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

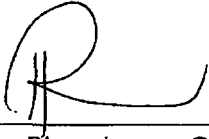
COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 4 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

A handwritten signature in black ink, appearing to be 'Riendeau', written over a horizontal line.

Tracy A. Riendeau, CVT
Investigative Division